

**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
CASE 11-004**

**IN RE: CHARLES GEVEDEN, JR.  
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER  
Initiation of Administrative Proceeding  
And Formal Complaint**

The Executive Branch Ethics Commission (the "Commission"), upon its own motion, initiated a preliminary investigation of Charles Geveden, Jr. (the "Respondent"), pursuant to KRS 11A.080(1), on November 8, 2010 and expanded its investigation on January 18, 2011.

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether there was probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

The Commission focused its investigation upon whether the Respondent had violated the Ethics Code by using his official position to give himself a financial gain and an advantage in derogation of the public at large; by using his influence in a matter involving a substantial conflict between his personal or private interest and his duties in the public interest; and by accepting gifts in violation of the gift statute.

The Commission notified the Respondent of the preliminary investigation by letter dated November 10, 2010; and notified the Respondent of the expansion of the preliminary investigation by letter dated January 18, 2011. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on March 8, 2011, to initiate an administrative proceeding, pursuant to

KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

**IT IS THEREFORE ORDERED** that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. All material submitted to the Commission shall be addressed to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. The Commission is represented by John Steffen, Executive Director, who may be contacted through the Commission's office at (502) 564-7954.
4. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.
5. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence which will be used at the hearing and any exculpatory information in the Commission's possession.
6. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas'

issuance, including any applicable witness fees.

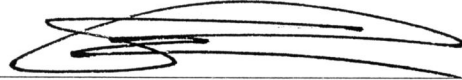
7. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

8. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.


9. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 8<sup>th</sup> day of March, 2011.

**EXECUTIVE BRANCH ETHICS COMMISSION:**



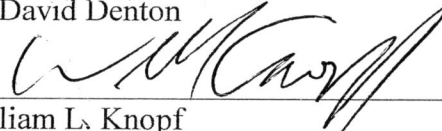
Ronald Green, Chair



Angela Edwards, Vice-Chair

Abstained

W. David Denton



William L. Knopf



William G. Francis

**APPENDIX A  
CASE NO. 11-004  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Charles Geveden, Jr., was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Kentucky Transportation Cabinet, Department of Highways. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Charles Geveden, Jr., (hereinafter "Geveden") committed the following violations:

**COUNT I**

Geveden, during his course of employment as Executive Director of the Kentucky Office of Highway Safety in the Department of Highways, Kentucky Transportation Cabinet, used his influence in a matter involving a substantial conflict between his personal or private interest and his duties in the public interest; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, Geveden improperly used his official position to obtain pit passes and parking passes for himself and other individuals to three NASCAR races at Bristol Motor Speedway in 2010 by soliciting them through an official of the Kentucky Speedway, an entity doing business with the Kentucky Office of Highway Safety.

These facts constitute violations of KRS 11A.020(1)(a) and (d); and KRS 11A.045(1).

KRS 11A.020(1)(a) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

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(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.045(1) provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

## **COUNT II**

Geveden, during his course of employment as Executive Director of the Kentucky Office of Highway Safety in the Department of Highways, Kentucky Transportation Cabinet, used his official position to obtain financial gain for himself; and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large by causing his agency to pay for lodging for himself and others for a personal trip to attend a NASCAR race at Bristol, Tennessee.

Specifically, on March 20, 2010, the night before the NASCAR race at Bristol, Tennessee, Geveden and three personal guests stayed in a two bedroom cottage at Pine Mountain State Park. The next morning, prior to traveling on to Bristol for the NASCAR race, Geveden did stop at the Cumberland Gap Tunnel Operations Center for a brief prearranged official visit. However, at the time Geveden reserved the cottage at Pine Mountain State Resort Park, there

was no apparent business purpose for the Kentucky Transportation Cabinet to pay for the lodging and, further, Geveden did not report any work time for March 20, 2010 through March 21, 2010.

These facts constitute violations of KRS 11A.020(1)(c) and (d).

KRS 11A.020(1)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

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(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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